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DOCTOR'S CLINICAL, INC., d/b/a U.S.
Doctor's Clinical; GERO VITA, INC.;
NUTRIVITA LABORATORIES, INC.;
VITASTRONG, INC., d/b/a GardaVita

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

IMAGENETIX, INC.,

Plaintiff,

v.

ROBINSON PHARMA, INC., *et al.*

Defendants.

CASE NO. SACV15-599-JLS(JCGx)

**DEFENDANTS' PROPOSED
SPECIAL VERDICT FORM**

Pre-trial Conf. Date: 3/3/2017

Trial Date: 3/24/2017

SPECIAL VERDICT FORM

When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of this court as our verdict in this case.

FINDINGS ON INFRINGEMENT CLAIMS

A. Direct Infringement

1. Has Plaintiff proven that it is more likely than not that Defendants infringed the '676 patent by performing each and every step set forth in Claim 1 of the '676 patent?

Yes _____ No _____

B. Induced Infringement

2. Has Plaintiff proven that it is more likely than not: (i) that the acts actually carried out by Defendants' customers directly infringed Claim 1 of the '676 patent, (ii) that Defendants took action during the time the '676 patent was in force that specifically was with the intent to cause the direct infringement of the '676 patent; and (iii) that Defendants were aware of the patent and believed that its actions would encourage infringement of that patent, or alternatively, that Defendants were willfully blind as to whether their actions would encourage infringement of the '676 patent?

Yes _____ No _____

C. Willful Infringement

If you answered questions 1 or 2 as "yes," proceed to answer question 3a.

3a. Has Plaintiff proven that it is highly probable that from an objective point of view the defenses put forth by Defendants fail to raise any substantial question with regard to infringement, direct or indirect, validity or enforceability of the patent claim?

Yes _____ No _____

(If the answer to 3a. is “yes,” answer question 3b.)

3b. Has the Plaintiff proven that it is highly probable that the Defendants actually knew, or it was so obvious that Defendants should have known, that its actions constituted infringement of a valid and enforceable patent?

FINDINGS ON DEFENSES

D. Enablement.

4 Has Defendants proven that it is highly probable that the specification of Plaintiff’s ‘676 patent does not contain a description of the claimed invention that is sufficiently full and clear to enable persons of ordinary skill in the field to make and use the invention?

Yes _____ No _____

FINDINGS ON DAMAGES

If you answered question 1 or 2 as “yes,” proceed to answer the remaining questions. If you did not so answer, do not answer the remaining question and proceed to check and sign the verdict form.

5. What has Plaintiff proved it is entitled to as a reasonable royalty for the infringing sales made by Defendants:

a. royalty payment of \$_____ per unit sold or _____% of \$_____ in total sales for the last six years; or

b. a fixed number of dollars per unit sold over the last six years: [dollars] x [units sold] = \$_____

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2 You have now reached the end of the verdict form and should review it to
3 ensure it accurately reflects your unanimous determinations. The Presiding Juror
4 should then sign and date the verdict form in the spaces below and notify the
5 Security Guard that you have reached a verdict. The Presiding Juror should retain
6 possession of the verdict form and bring it when the jury is brought back into the
7 courtroom.

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10 Dated: _____, 2017
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12 By: _____
13 Presiding Juror
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